



SENATE

S. No. 2195

PREPARED BY THE COMMITTEE ON JUSTICE AND HUMAN RIGHTS WITH SENATORS TRILLANES IV, ANGARA, EJERCITO AND GORDON AS AUTHORS THEREOF

AN ACT AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU OF IMPRISONMENT FOR THE PENALTIES OF *ARRESTO MENOR* AND *ARRESTO MAYOR*, AMENDING FOR THE PURPOSE CHAPTER 5, TITLE 3, BOOK I OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS "THE REVISED PENAL CODE"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. *Short Title.* – This Act shall be known as
2 the "Community Service Act".

3 SEC. 2. *Policy.* – It is the policy of the State to
4 promote restorative justice and decongest jails by
5 authorizing the court in its discretion to require

1 community service in lieu of service in jail for offenses
2 punishable by *arresto menor* and *arresto mayor*.

3 SEC. 3. *Community Service*. – Article 88a of Act 3815
4 is hereby inserted to read as follows:

5 “ART. 88a. *COMMUNITY SERVICE*. – THE
6 COURT IN ITS DISCRETION MAY, IN LIEU OF
7 SERVICE IN JAIL, REQUIRE THAT THE
8 PENALTIES OF *ARRESTO MENOR* AND
9 *ARRESTO MAYOR* BE SERVED BY THE
10 DEFENDANT BY RENDERING COMMUNITY
11 SERVICE IN THE PLACE WHERE THE CRIME
12 WAS COMMITTED, UNDER SUCH TERMS AS
13 THE COURT SHALL DETERMINE, TAKING
14 INTO CONSIDERATION THE GRAVITY OF THE
15 OFFENSE AND THE CIRCUMSTANCES OF
16 THE CASE, WHICH SHALL BE UNDER THE
17 SUPERVISION OF A PROBATION OFFICER:
18 *PROVIDED*, THAT THE COURT WILL PREPARE
19 AN ORDER IMPOSING THE COMMUNITY
20 SERVICE, SPECIFYING THE NUMBER OF

1 HOURS TO BE WORKED AND THE PERIOD
2 WITHIN WHICH TO COMPLETE THE
3 SERVICE. THE ORDER IS THEN REFERRED
4 TO THE ASSIGNED PROBATION OFFICER
5 WHO SHALL HAVE RESPONSIBILITY OF THE
6 DEFENDANT.

7 THE DEFENDANT SHALL LIKEWISE
8 BE REQUIRED TO UNDERGO
9 REHABILITATIVE COUNSELING UNDER THE
10 SOCIAL WELFARE AND DEVELOPMENT
11 OFFICER OF THE CITY OR MUNICIPALITY
12 CONCERNED WITH THE ASSISTANCE OF THE
13 DEPARTMENT OF SOCIAL WELFARE AND
14 DEVELOPMENT (DSWD). IN REQUIRING
15 COMMUNITY SERVICE, THE COURT SHALL
16 CONSIDER THE WELFARE OF THE SOCIETY
17 AND THE REASONABLE PROBABILITY THAT
18 THE PERSON SENTENCED SHALL NOT
19 VIOLATE THE LAW WHILE RENDERING THE
20 SERVICE.

1 COMMUNITY SERVICE SHALL CONSIST
2 OF ANY ACTUAL PHYSICAL ACTIVITY WHICH
3 INCULCATES CIVIC CONSCIOUSNESS, AND IS
4 INTENDED TOWARDS THE IMPROVEMENT
5 OF A PUBLIC WORK OR PROMOTION OF A
6 PUBLIC SERVICE.

7 IF THE DEFENDANT VIOLATES THE
8 TERMS OF THE COMMUNITY SERVICE, THE
9 COURT SHALL ORDER HIS/HER RE-ARREST
10 AND THE DEFENDANT SHALL SERVE THE
11 FULL TERM OF THE PENALTY, AS THE CASE
12 MAY BE, IN JAIL, OR IN THE HOUSE OF THE
13 DEFENDANT AS PROVIDED UNDER ARTICLE
14 88. HOWEVER, IF THE DEFENDANT HAS
15 FULLY COMPLIED WITH THE TERMS OF THE
16 COMMUNITY SERVICE, THE COURT SHALL
17 ORDER THE RELEASE OF THE DEFENDANT
18 UNLESS DETAINED FOR SOME OTHER
19 OFFENSE.

1 THE PRIVILEGE OF RENDERING
2 COMMUNITY SERVICE IN LIEU OF SERVICE
3 IN JAIL SHALL BE AVAILED OF ONLY ONCE.”

4 SEC. 4. *Implementing Rules and Regulations.* – The
5 Department of Justice (DOJ) and DSWD shall issue the
6 rules and regulations to implement the provisions of this
7 Act within ninety (90) days from the effectivity of this Act.

8 SEC. 5. *Repealing Clause.* – Chapter 5, Title 3, Book I
9 of the Revised Penal Code is hereby amended and all laws,
10 decrees, orders, rules and regulations, or other issuances or
11 parts thereof inconsistent with the provisions of this Act
12 are hereby repealed or modified accordingly.

13 SEC. 6. *Separability Clause.* – If any portion or
14 provision of this Act is declared unconstitutional, the
15 remainder of this Act or any provision not affected thereby
16 shall remain in force and effect.

17 SEC. 7. *Effectivity.* – This Act shall take effect after
18 fifteen (15) days following the completion of its publication

- 1 either in the *Official Gazette* or in a newspaper of general
- 2 circulation in the Philippines.

Approved,